

REMARKS

Claims 1-44 are pending in the application.

Claims 1-3, 6-17, 25-28, and 31-35 have been rejected.

Claims 20-24 and 36-44 have been allowed.

Claims 4, 5, 18, 19, 29, and 30 have been objected to as depending from a rejected claim.

Reconsideration of the Claims is respectfully requested.

1. Rejection under 35 U.S.C. § 102

Claims 1-3, 6-17, 25-28, 31-35 were rejected under 35 USC § 102(e) as being anticipated by US Application Publication 2002/0019954 to Tran ("Tran").

For establishing anticipation, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . The identical invention must be shown in as complete detail as is contained in the . . . claim." MPEP § 2131 at p. 2100-73 (8th ed., rev. 3, August 2005) (citations omitted).

Tran relates to "a power regulating method and apparatus useable by a communications network transceiver for regulating power consumption of the transceiver." (Tran ¶ 0002). Generally, an "[e]thernet transceiver PHY 28 may be capable of operating in at least two modes, a "normal power operating mode" and a "minimized power operating mode." While in the normal power operating mode, the computer may be connected to a power supply. When energy is detected . . . the entire transceiver will be activated and draw current from the computer power source. . . . Alternatively, the computer may not be connected to a power supply and may instead run off of battery supplied power. The entire transceiver may initially be activated and draw current from the computer power source. When the transceiver detects an absence of energy [regarding received data], the transceiver will operate in minimized power mode" (Tran ¶ 0031; 0007).

As understood, the Office Action submits that Tran recites a device that is operable to perform energy detection with auto pair selection. Tran does recite an "[a]uto-negotiation/link integrity component 122 [that] may receive the signal from signal detection 118 and determine if the signal is sent from a system that is compatible with the present transceiver." (Tran ¶ 0027; *see also* Tran ¶ 0035).

A distinction exists between auto pair selection and auto-negotiation, in that “[i]t is noted that the energy detect with auto pair select, as described and performed in various embodiments, may be performed before the auto negotiation procedure, as it is important to determine at that time if there is in fact a partner to communicate with.” (Specification at p. 16, *ll.* 4-6).

With this distinction in mind, Applicant’s Claim 1 recites, *inter alia*, an “energy detect with auto pair select system, comprising: a device that is operable to perform energy detection with auto pair selection; a plurality of wire pairs that is communicatively coupled to the device; and wherein the device generates a qualified energy by considering an energy associated with at least two wire pairs within the plurality of wire pairs;”

A qualified energy, as supported by Applicant’s specification, is for “accounting for and suppressing the energy that is associated with any transmitted link pulses.” (Specification at p. 14, *ll.* 10-11).

Applicant’s Claim 11 recites, *inter alia*, an “energy detect with auto pair select system, comprising: a device that is operable to perform energy detection with auto pair selection; a wire pair that is communicatively coupled to the device; and wherein the device determines whether the wire pair comprises an energy; the device subtracts a link pulse energy from the energy when the device transmits a link pulse to generate a qualified energy, the link pulse energy is associated with a link pulse that is transmitted from the device; the device uses the energy as the qualified energy when the device does not transmit a link pulse;”

Applicant also respectfully submits that the distinction between auto pair selection and auto-negotiation resides in its method of Claim 25, which recites, *inter alia*, an “energy detect with auto pair select method, the method comprising: performing energy detection of a plurality of wire pairs, at least one wire pair within the plurality of wire pairs is communicatively coupled to a device; generating a qualified energy by considering an energy associated with at least two wire pairs within the plurality of wire pairs;”

Applicant respectfully submits that each and every element as set forth in Applicant’s claimed invention is not found in Tran. Applicant respectfully requests that the rejection to Independent Claim 1 and Claims 2, 3, and 6-10 that depend directly or indirectly therefrom, to Independent Claim 11 and Claims 12-17 that depend directly or indirectly therefrom, and to

Independent Claim 25 and Claims 26-28 and 31-35 that depend directly or indirectly therefrom, be withdrawn.

2. Allowed and Allowable Subject Matter

Applicant notes with appreciation the allowance of Claims 20-24 and Claims 36-44. Applicant also notes with appreciation the indication that Claims 4-5, 18-19, and 29-30 would be allowable if rewritten in independent form.

3. Conclusion

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ksmith@texaspatents.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126 (BP1520).

Respectfully submitted,

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